

SEDL	Prevention of Sexual Harassment Policy	SEDL/HR/27/09/2022
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PREVENTION OF SEXUAL HARASSMENT POLICY

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	Designation	Department	Date
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Introduction:

SEDL is committed to creating and maintaining a community in which employees, staff members, workers, contractors, trainees can work together in an environment free of violence, harassment, exploitation, intimidation and stress. This includes all forms of gender violence, sexual harassment and discrimination on the basis of sex/gender or amongst the same sex members. Every member of the company should be aware that while SEDL is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

Sexual harassment has come to be widely condemned as a form of human rights violation, and as an infringement on life and liberty as defined by the Constitution of India. Such behavior is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws of the land.

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

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Objective:

- (a) To fulfill the directives of the Hon’ble Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at workplaces.
- (b) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at SEDL.
- (c) To ensure the implementation of the policy in letter and spirit through proper reporting of complaints and their follow-up procedures.
- (d) To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
- (e) To ensure that SEDL upholds the commitment to ensure an environment without gender bias or gender-based discrimination.

Applicability:

This Policy is applicable to all allegations of Sexual Harassment made by an employee, staff member, worker, contractor, trainee or third party or against an employee, staff member, worker, contractor, trainee or a third party, irrespective of whether Sexual Harassment is alleged to have taken place within or outside SEDL premises.

Definitions:

- (a) **“Sexual Harassment”** – For the purpose of this policy “Sexual Harassment” shall include, but will not be confined to the following:
 - (i) Unwelcome sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature made, either explicitly or implicitly, in return for a term or condition of employment, participation or evaluation of a person’s engagement in any Company’s activity;
 - (ii) When unwelcome sexual advances and/or verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or through e-mail or any other communication mediums, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or

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display of a derogatory nature, have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment;

- (iii) Forcible physical touch or molestation; Eve teasing, innuendos and taunts, physical confinement against one's will and any other act to impinge upon one's privacy;
 - (iv) Any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of employment or career development, or otherwise making the environment at SEDL hostile or intimidating to a person belonging to the other / same sex;
 - (v) Any such conduct committed by a third party or outsider in relation to a employees, staff members, workers, contractors, trainees or vice versa during the course of a person's engagement with SEDL.
- (b) **“Employee”**: It means any person on the rolls of SEDL to whom this policy is applicable, including temporary or part time employees, by whatever name called, and would include persons engaged on a casual or a project basis and also those engaged through a contractor.
- (c) **“Third Party”**: It means any person or persons not on the rolls of SEDL but, in the course of work-related activities, interacting with SEDL employees, staff members, workers, contractors, trainees.
- (d) **“Internal Complaints Committee”**: It means a forum of minimum 7 people who will investigate complaints of alleged Sexual Harassment.

Internal Complaint Committee (ICC):

An INTERNAL COMPLAINT COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT (“ICC”) headed by a woman, as well as at least 50% women members should be constituted to prevent the pressure or influence from senior levels. The ICC should involve an independent third party and expert independent member familiar with the issue of sexual harassment, which must make an annual report to the required personnel. The term of the Committee will be three years.

POWERS AND FUNCTIONS OF ICC:

A. PREVENTIVE STEPS:

It will be the endeavor of the ICC: -

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- (a) To comply with statutory and legal requirements.
- (b) To facilitate a safe environment that is free of sexual harassment.
- (c) To promote behaviors that create an atmosphere that ensures gender equality and equal opportunities.

B. REMEDIAL STEPS:

The ICC shall endeavor to ensure that the mechanism for registering complaints is safe, accessible and sensitive by ensuring:

- (a) The mechanism for registering complaints should be safe, accessible, and sensitive.
- (b) To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- (c) To advise the competent authority to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- (d) To seek medical, police and legal intervention with the consent of the complainant.
- (e) To make arrangements for appropriate psychological, emotional and physical support (in form of counseling, security and other assistance) to the victim if so desires.

Procedure for registering complaints:

- (a) All complaints must be brought by the complainant in person to **any member** of the ICC. The exception for this will be in case of forced confinement of the person. In such a case, a complaint brought by another person on behalf of the complainant will be examined by the ICC as to whether an investigation, intervention or some other assistance is needed. In exceptional cases, third party / witness complaints may be entertained. In such cases, the ICC will ascertain whether the person alleged to have been harassed wishes to lodge a formal complaint. Once such a complaint is received, the ICC shall proceed to investigate it as per the procedure specified.
- (b) If the complainant wishes, can be accompanied by a representative.

Enquiry Procedure:

A suggested enquiry procedure would be as follows: -

- (a) Any person may register a complaint of Sexual Harassment against an employee or third party of SEDL or vice versa, with any of the members of the ICC. They should do so at the earliest point of time, but preferably within 30 days from the date of occurrence of the alleged incident.

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- (b) The complaint may be made orally or in writing. If the complaint is made orally, the Complainant will be requested to confirm the complaint in writing and sign it.
- (c) The ICC, or a minimum of 5 members of the full Committee, will meet with the Complainant latest within 30 days of receipt of the complaint. They will inform the Complainant of this meeting date at the earliest.
- (d) At the first meeting with the Committee, the Complainant will be heard, and her/his statements will be recorded. The Complainant will be asked to produce any corroborative material that can substantiate the complaint.
- (e) The ICC will record the proceedings of the enquiry, and the attendance of all parties present at any of the meetings.
- (f) Thereafter, the person accused of the alleged Sexual Harassment will be called for a meeting with the ICC. The letter of invitation will mention the fact that a complaint has been registered against him/her. During the meeting, the complaint will be read to the Accused in detail, and the Accused will be given the opportunity to provide his/her view of the situation.
- (g) The ICC will provide the Accused with a copy of the statement of allegation made by the Complainant and provide the Accused with an opportunity to submit a written response, should he/she so desire, within 15 days of receipt of the statement.
- (h) The Complainant will be provided with a copy of the written response submitted by the Accused.
- (i) If the Complainant or the Accused want to call for any witness(es), they must write to the ICC with the names and contact details of those witnesses, after which the ICC will call the witnesses.
- (j) If the Complainant wishes to provide any documentary evidence, he/she must supply true copies of those documents to the ICC. Similarly, if the Accused wishes to tender any documentary evidence, he/she will be requested to provide true copies of those documents to the ICC. To ensure that the documents are considered as true copies, parties will be required to sign the documents submitted.
- (k) After having heard both parties, the ICC will conduct an enquiry into the evidence provided by both parties. The enquiry may include meetings with witnesses, consultation with experts and any other activities required to establish a balanced view of the case.
- (l) The ICC will provide every reasonable opportunity to the Complainant and to the Accused to put forward and defend their respective cases.
- (m) The ICC will complete the enquiry as soon as is reasonably possible and communicate its findings and its recommendations for disciplinary action, if any, to the Management of SEDL.

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- (n) Should the preliminary enquiry establish that the complaint does not fall under the purview of a ICC for the Prevention of Sexual Harassment, or the complaint does not prime facie appear to be an offence of Sexual Harassment, the ICC may decide to refer the Complainant to the Department Head, who can look into the case taking into consideration the principles of good conduct, which any employee/workman/trainee/contractor is expected to follow.
- (o) In case the complaint registered by the Complainant is found to be frivolous or false, the Complainant will be liable for punishment.

Redressal:

The complaints may be addressed as follows: -

- (a) The ICC can ask the company to suspend the alleged harasser from an administrative post if his / her presence is likely to interfere with the enquiry.
- (b) The victim of sexual harassment as per the Supreme Court judgement, will have the option to seek transfer of the perpetrator or their own transfer where applicable.
- (c) The disciplinary action will be commensurate with the nature of the violation.
- (d) In the case of SEDL's employee/workman/trainee/staff-members/workers, disciplinary action could be in the form of: -
 - (i) Warning Written apology Bond of good behavior.
 - (ii) Debarring from supervisory duties
 - (iii) Denial of re-employment
 - (iv) Stopping of increments / promotion
 - (v) Reverting, demotion Suspension Dismissal
 - (vi) Any other relevant mechanism.

Protection against victimization:

SEDL has an obligation to ensure that a person who registers a complaint in good faith and without malice is protected and will not allow a person raising a concern to be victimized for doing so. In the unfortunate event where, despite the best of precautions, the Complainant would be victimized, SEDL shall treat this as a serious matter and take disciplinary action against the perpetrator.

Annual Report:

The ICC will prepare an Annual Report at the end of each financial year, giving a full account of the activities of the Committee during the year gone by, and provide a copy of this report to the Managing Director of SEDL and file it wherever required as per law.

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Members of ICC:

- (a) An internal complaint committee headed by a woman as well as at least 50% women members shall be constituted to prevent the pressure or influence from senior levels. The committee will involve one independent third party and one independent expert, familiar with the issue of sexual harassment and will make an annual report to the Management concerned and act on concerned issues.
- (b) The ICC constituted shall have a term of three years.
- (c) In line with the above, a committee constituted by SEDL for a period of three years with effect from 01.10.2024 to 30.09.2027 is as follows & placed in place of existing one:

ICC Members for Mohali Office:

S. No.	Names	Designation	Contact Number
1.	Ms. Rajni Dhawan	Presiding Officer	+91-93560 66222
2.	Ms. Swati Sood	Member	+91-88375 21807
3.	Ms. Jagan Nath Bhandari	Independent Member	+91-9855677966
4.	Ms. Madhavi Verma	Member	+91-97817 07222
5.	Mr. Chiranjeev Singh	Independent Member	+91-9875959212
6.	Mr. Arjun Malik	Member	+91-98780 46006
7.	Mr. Rohit Kumar Chauhan	Member	+91-63596 31800

ICC Members for Baddi Units:

S. No.	Names	Designation	Contact Number
1.	Ms. Rajni Dhawan	Presiding Officer	+91-93560 66222
2.	Ms. Swati Sood	Member	+91-88375 21807
3.	Ms. Jagan Nath Bhandari	Independent Member	+91-9855677966
4.	Ms. Swati Rai	Member	+91-98759 63664
5.	Mr. Chiranjeev Singh	Independent Member	+91-9875959212
6.	Mr. Arjun Malik	Member	+91-98780 46006
7.	Mr. Manohar Lal	Member	+91-9569399382

Complaints made with malicious intent:

- (a) If, on investigation, it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual and/or tarnishing his/her image in the Company and to settle personal/professional scores, strict action will be taken against the complainant.
- (b) If the formal request for inquiry is proved to be malafide, ICC shall recommend to the

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Management of SEDL that the person found guilty of such a malafide and fraudulent act be required to issue a written public apology to the person who has been so falsely accused of sexual harassment, which is to be displayed prominently on all notice boards in the Company.

- (c) Insufficient evidence to support a complaint does not necessarily mean that the charge was intentionally false. Material, circumstantial, and factual evidence needs to be produced which could prove the complaint made was with malicious intent.
- (d) Possible actions which the ICC may take for malicious intent in filing complaint:
 - (i) A letter of warning will be placed in the personal dossier of the harasser.
 - (ii) Immediate transfer or suspension without pay or both.
 - (iii) Fine equivalent to one months' salary that can be credited to a fund created to be utilized for the welfare of the employees.
 - (iv) Stoppage of increment with or without cumulative effect.
 - (v) Reduction in rank.
 - (vi) Curtailment of privileges.
 - (vii) Termination/dismissal from the services of the Company.
 - (viii) Filing a complaint before the relevant police station/court.

The intent of this policy is to create a harmonious and safe working environment. To ensure that this is upheld in both letter and spirit, we urge SEDL employees, workmen, staff- members, trainees etc. to desist from lodging wrongful allegations. This would apply to third parties also.